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इस भाग में भिन्न पृष्ठ संख्या दो जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)

PART II—Section 3—Sub-section (iii)

(संघ राज्य क्षेत्र प्रशासनों को छोड़कर) केन्द्रीय अधिकारियों द्वारा जारी किए गए आदेश और अधिसूचनाएँ
Orders and Notifications issued by Central Authorities (other than Administrations of Union
Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 अगस्त, 1992

आ.अ. 235.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनियोग के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनियोग निर्वाचन क्षेत्र से हुआ है, स्तम्भ (9) में उसके सामने विनियोग निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है:

और, उक्त अभ्यर्थियों ने सम्पूर्ण दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और उसके द्वारा दिए गए अभ्यावेनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनियोग व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्हित घोषित करता है।

सारणी

| क्रम सं. | निवाचित का धिवरण | निवाचित-क्षेत्र का नाम | निवाचित लड़ने वाले अध्यर्थी का नाम और पता |
|----------|---|------------------------|---|
| 1 | 2 | 3 | 4 |
| 651. | राजस्थान विधान सभा के लिए साधारण निवाचित, 1990 | 73—स्पवास | श्री बाल मिह कर्दम वाल सूरजपुर, स्पवास (राजस्थान) |
| 652. | —वही— | 63—अलवर | श्री नेमीबन्द्र शर्मा मुरहेतिथावास, अलवर (राजस्थान) |
| 653. | —वही— | —वही— | श्री गजकुमार शर्मा, पुरिम लालून, अलवर (राजस्थान) |
| 654. | —वही— | —वही— | श्री सुरेश कुमार अग्रवाल, वी.पी. करोली, नह. व जिना अलवर, (राजस्थान) |
| 655. | —वही— | 23—पिंडानी | श्री एंकरलाल, मोदूलता अरदानिया, वाई नं. 18, धिरावा (राजस्थान) |
| 656. | —वही— | 16—झंगरगढ़ | श्री श्रीराम शर्मा, वाई नं. 34, विद्यासार (राजस्थान) |
| 657. | —वही— | 48—फागी | श्री सुरेश घन्द करादिया गांव और पौ.आ. खोरातविशाल वाया झोटवाड़ा, जयपुर (राजस्थान) |
| 658. | —वही— | 66—लाठगढ़नगढ़ | श्री मोहन लाल मीणा लक्ष्मनगढ़ (राजस्थान) |
| 659. | —वही— | —वही— | श्री गिराग मिह नामका, मोहल्ला बरलायम राजगढ़, (राजस्थान) |
| 660. | —वही— | 42—जौहरीबाजार | श्री हन्द्र मिह जबाहर नगर, कच्ची बस्ती, दीला नं. 1, जयपुर (राजस्थान) |
| 661. | —वही— | —वही— | श्री मनीन अहमद, त्रिपंजिल, मिर्जा स्माईल रोड, जयपुर, (राजस्थान) |
| 662. | —वही— | 69—नगर | श्री केनाश चन्द्र गां थन, नह. नगर, (राजस्थान) |
| 663. | —वही— | —वही— | श्री बदन नगर, (राजस्थान) |

| 1 | 2 | 3 | 4 |
|------|---|-------------|--|
| 664. | राजस्थान प्रधान सभा के लिए साधारण निर्वाचन, 1990 | 69—नगर | श्री मंदिरराज मोरी मोहल्ला, नगर (राजस्थान) |
| 665. | —वही— | —वही— | श्री रहमत गांव पौ, गंगेना महाराज पहाड़ी, (राजस्थान) |
| 666. | —वही— | —वही— | श्री आलू चां गांव खेत्रा नीआबाद पा. लाडोमका, तह. नगर, (राजस्थान) |
| 667. | —वही— | —वही— | श्री हनीष गांव—अनमत पुर, पौ. धन, तह. नगर, (राजस्थान) |
| 668. | —वही— | 94—किशनगढ़ | श्री नीरतमल राधगढ़ गांव अराइन, तहसील किशनगढ़ (राजस्थान) |
| 669. | —वही— | —वही— | श्री पूरन चन्द्र भुजपिया देवदुगाड़ी, रंगान मोहल्ला, मदतगंज, (राजस्थान) |
| 670. | —वही— | —वही— | श्री रामेश्वर जाल मुआवान चौकी गांधीनगर रामेश्वर रोड, मदतगंज, अजमेर (राजस्थान) |
| 671. | —वही— | 186—लंगी | श्री बगताम, गाव जनाईसर तह. जोधपुर (राजस्थान) |
| 672. | —वही— | 185—मूरमागर | श्री किशनलाल मेघवाल मेघवाल वसी, मूरिया जोधपुर, (राजस्थान) |
| 673. | —वही— | 183—जोधपुर | श्री गोपप्रकाश तपारिया आदा बाजार, लोहारों की गली, जोधपुर, (राजस्थान) |
| 674. | —वही— | —वही— | श्री हिंदेश सथिर, 2-एस-15, प्रताप नगर, जोधपुर, (राजस्थान) |
| 675. | —वही— | —वही— | श्री राजेश मायर, खिल्लीखाना नदा बास, जोधपुर (राजस्थान) |
| 676. | —वही— | —वही— | श्री लखपत, जैन "लूनकर" मिहि पोल, मिथाकों की गली, जोधपुर, (राजस्थान) |

ELECTION COMMISSION OF INDIA
ORDER

New Delhi, the 7th August, 1992

O.N. 235.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the State Legislative Assembly, as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge the account of his election expenses as required by the Representation of the People Act, 1951 and according to the Rules and order made thereunder;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after the notices and the Election Commission, after considering the representation made by him if any, is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order :—

TABLE

| S. No. | Particulars of elections No. | Name of the Constituency No. | Name and address of Contesting candidates |
|-----------|--|---------------------------------|--|
| 1 | 2 | 3 | 4 |
| 651. | General Election to Rajasthan Legislative Assembly, 1990 | 73-Roopwas | Shri Bachnu Singh Kardam, Khan Surajpur, Roopwas (Rajasthan) |
| 652. | -do- | 63-Alwar | Shri Nemi Chand Sharma, Marathiya Bass, Alwar (Rajasthan) |
| 653. | -do- | -do- | Shri Raj Kumar Sharma, Police Line, Alwar (Rajasthan) |
| 654. | -do- | -do- | Shri Suresh Kumar Agarwal, V.P. Karoli, Teh & Distt. Alwar (Rajasthan) |
| 655. | -do- | 23-Pilani | Shri Shankar Lal, Mohalla Aradawatia Ward No. 18, Chirawa (Rajasthan) |
| 656. | -do- | 16-Dungargarh | Shri Shri Ram Sharma, Ward No. 34, Bidasar (Rajasthan) |
| 657. | -do- | 48-Phagi | Shri Suresh Chander Kardia Village & P.O. Khorabishal Via Jhotwara, Jaipur, (Rajasthan) |
| 658. | -do- | 66-Lachhnangarh | Shri Mohan Lal Meena, Lachhmangarh (Rajasthan) |
| 659. | -do- | -do- | Shri Girag Singh Naruka, Mohalla Barlabas Rajgarh (Rajasthan) |
| 660. | -do- | 42-Johri Bazar | Shri Indra Singh, Jawahar Nagar, Kachchi Basti, Teela No. 1, Jaipur, (Rajasthan) |
| 661. | -do- | -do- | Shri Matin Ahmad, Noor Manzil, Mirza Ismail Road, Jaipur (Rajasthan) |
| 662. | -do- | 69-Nagar | Shri Kailash Chand, Village Thoon, Teh. Nagar (Rajasthan) |
| 663. | -do- | -do- | Shri Badan, Nagar (Rajasthan) |

| 1 | 2 | 3 | 4 |
|------|--|---------------|---|
| 664. | General Election to Rajasthan Legislative Assembly, 1990 | 69-Nagar | Shri Meghraj, Mori Mohalla Nagar (Rajasthan) |
| 665. | -do- | -do- | Shri Rahamat, Village Post Gangera, Teh. Pahari (Rajasthan) |
| 666. | -do- | -do- | Shri Lallu Khan, Village Kherala Nauabad, Post Ladamka, Teh. Nagar (Rajasthan) |
| 667. | -do- | -do- | Shri Hanif, Village Dhanmatpura, Post Thoon, Teh. Nagar (Rajasthan) |
| 668. | -do- | 94-Kishangarh | Shri Noratmal Raigar, Village Arain, Teh. Kishangarh (Rajasthan) |
| 669. | -do- | -do- | Shri Poonamchand Munpuriya, Devdungari, Regran Mohalla, Madanganj (Rajasthan) |
| 670. | -do- | -do- | Shri Rameshwarlal, Suwalal, Choudhary, Gandhi Nagar, Ranmer Road, Madanganj, Ajmer (Rajasthan) |
| 671. | -do- | 186-Luni | Shri Bagta Ram, Village Janadesar Teh. Jodhpur, (Rajasthan) |
| 672. | -do- | 185-Soorsagar | Shri Kishan Lal Meghwal, Meghwal Basti, Masuria, Jodhpur (Rajasthan) |
| 673. | -do- | 183-Jodhpur | Shri Om Parkash Taparia, Ada Bazar, Loharo Ki Gali, Jodhpur (Rajasthan) |
| 674. | -do- | -do- | Shri Dinesh Mathur, 2-S-15 Pratap Nagar, Jodhpur (Rajasthan) |
| 675. | -do- | -do- | Shri Rajesh Mathur, Killikhana Naya Bas, Jodhpur, (Rajasthan) |
| 676. | -do- | -do- | Shri Lakhpal Jain 'Loonkar' Singh Pole, Sewako Ki Gali, Jodhpur (Rajasthan) |

[No 76/RJ-LA/91(9)]

By Order,
A.K. SRIVASTAVA, Secy.

आदेश

नई दिल्ली, 7 अगस्त, 1992

आ० अ० 236.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनियोग संघर्ष लोकसभा नियोग 1991 के लिए जो स्तम्भ (3) में विनियोग नियोग-शैल से हुआ है, स्तम्भ (4) में उसके सामने विनियोग संघर्ष लड़ने वाला प्रत्येक अध्यक्षी, लोक प्रतिनिधित्व अधिकारी, 1951 तथा तदीन वराए गए विधायी द्वारा नियोग आयोग का लेखा दाखिल करने में असफल रहा है;

और, उक्त अध्याधियों ने सम्प्रकृति सूचना दिए जाने पर भी उक्त असफलता के लिए न तो कोई कारण अथवा स्पष्टीकरण ही दिया है, या उनके द्वारा दिए गए अध्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्यात कारण या न्यायोचित्य नहीं है ;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-के अनुसरण में नीचे की सारणी के सम्बन्ध (4) में विनिश्चित अवक्षियों को भंसद के किसी भी सदन के या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख में तीन वर्ष की कालावधि के लिए निर्गत घोषित करता है।

सारणी

| क्र० मं० | निर्वाचन का विवरण | संभद्रीय निर्वाचन क्षेत्र का नाम और क्र० मं० | मारणी | निर्वाचन अड्डे भाने अध्यर्थी का नाम और पना | 4 |
|----------|--|---|-------|---|---|
| 1 | 2 | 3 | | | |
| 1. | लाक सभा के लिए साधारण नियाचन 1991, गुजरात | 22—बड़ादा | | श्री पटेल हक्काल हस्माइल उधना, विम्बयात शास्त्री चौक, मूरत, (गुजरात) | |
| 2. | —बही— | —बही— | | श्री रजनीकान्त उर्फ गोपालभाई अम्बालाल होरा भागल, श्री दयाधरी का मन्दिर के गर्भाप दमाई, पा० दाभाई, जिला बड़ोदा (गुजरात) | |
| 3. | —बही— | 21—छोटा उदयपुर (ग० ज० जा०) | | श्री राधावा दलसुखभाई पाटलियाभाई स्थान और पो० आ० पिपालदी, ता० छोटा उदयपुर, जिला बड़ोदा (गुजरात) | |
| 4. | —बही— | 8—भावनगर | | श्री कचरा हाजीभाई दशाभाई, अमो पारा मधुमाली, मालो काहनचो, भावनगर, (गुजरात) | |
| 5. | —बही— | —बही— | | श्री गांधारी शर्नागिरी एम, उद्धराला, तालुक धाढ़ा, जिला भावनगर बापा भाई भष्टारिया (गुजरात) | |
| 6. | —बही— | —बही— | | श्री चौहान बलदीपभाई तीसाभाई, “आवकर” 1640 रामनगर, मरदार नगर के पीछे, भावनगर, (गुजरात) | |
| 7. | —बही— | —बही— | | श्री श्रीरमभाई चिठरभाई शामभनिया, केरला, तालुक तालाजा, जिला भावनगर, गुजरात | |

| 1 | 2 | 3 | 4 |
|-----|--|---------------|--|
| 8. | लोक सभा के लिए माध्यारथ निवाचन 1991, गुजरात | 4—राजकोट | श्री बड्डोरिया रमेश चन्द्र मोहनभाई, स्थान अमर नगर, वाया गोण्डल ता० जेतपुर, (गुजरात) |
| 9. | —वही— | 24—सूरत | श्री जैन अरविन्दभाई हुपचन्द 2/250, महेश्वर मोहल्ला रुद्रमपुर, सूरत (गुजरात) |
| 10. | —वही— | —वही— | श्री ठाकुर गिरीण बलगम गिह, 68/24, गोलावतपुरा, पिपारती शेरी, सूरत, (गुजरात) |
| 11. | —वही— | —वही— | श्री पटेल मोहनभाई दयालभाई गोरख अम्बा कालोनी रान्दर, जिला सूरत, (गुजरात) |
| 12. | —वही— | —वही— | श्री बाबूभाई नेजाभाई 191/192 भगीरथ विभाग-२ लाम्बा हनुमान रोड सूरत, (गुजरात) |
| 13. | —वही— | —वही— | श्री वगादिवाला हीगलाल शागबनकाम, 3/2247 पिपारदी, शेरी मलावत पुरा, सूरत, (गुजरात) |
| 14. | —वही— | —वही— | श्री राणा जग्घन लाल धनमुखलाल इन्द्रपुरा गोधवन भैया, मास-जी-चान, दरगाह-३/३११६-१७ के समीप, सूरत-३, (गुजरात) |
| 15. | —वही— | —वही— | श्री शर्मा बाबूभाई फकीर भाई 17/55 ईफी सोगायटी, झोपड़ाड़ी बोगनीडलाडी, लाम्बा हनुमान रोड, सूरत, (गुजरात) |
| 16. | —वही— | 16—कवाल्ट्रोज | श्री नगीनदाम निकनलाल शाह, स्थान और पौ० आ० मदर, ता० दहेगम, जिला अहमदाबाद, (गुजरात) |
| 17. | —वही— | —वही— | श्री डॉ प्रकाश पटेल मनुस्मृति, मेटल हासिटल, करेदीबाग के पीछे, बड़ोदा, को० न० ३९००१८ (गुजरात) |

| 9 | 2 | 3 | 9 |
|-----|--|-------------|--|
| 18. | लोक सभा के लिए साधारण निवाचन 1991, गुजरात | 16—कपाड़कंज | श्री मन्यजीत सिंह विजयसिंह, गुरुखाम फार्म, स्थान और पो० नसवामा, ता० दहेगम, जिला प्रह्लदाबाद, (गुजरात) |
| 19. | —वही— | 5—पोरबन्दर | श्री जाविप्रा ज्यमुखलाल लक्ष्मीदाम, अखनी अथार्टमेन्ट ए० ९, बम स्टैण्ड के पीछे, जूमांगड़, (गुजरात) |
| 20. | —वही— | —वही— | श्री शिंगराखिया मोहन हरदाम 13/२ काविया प्लॉकट, पोरबन्दर ३६०५७५, (गुजरात) |
| 21. | —वही— | 18—गोद्धा | श्री जोशी जयशंकर भायाराम स्थान नवागाम, पो० मधवामा ता० लुब्राथाड़ा, (गुजरात) |
| 22. | —वही— | —वही— | श्री शाह प्रकाश कुमार गिरीश कुमार स्थान और पो० आफिन इगत, ता० बेकलोठ, जिला पंचमहल, (गुजरात) |
| 23. | —वही— | —वही— | श्री खोदार गुलाम रसूल मिकन्दरभाई, मस्जिद टेकरी, बाली सिनोर, जिला खेड़ा, (गुजरात) |
| 24. | —वही— | 20—आनन्द | श्री टाकुर शान्तिनान छेनाभाई, मलियापाठ, आनन्द ओल्ड गोड़ (गुजरात) |
| 25. | —वही— | —वही— | श्री देसाई नितिन कुमार मेहन्दरसिंह (यादव) स्टेशन रोड़, गोपाल टांकीन आनन्द (गुजरात) |
| 26. | —वही— | —वही— | श्री पटेल महेंद्र भाई पुरषोत्तम दाम मेहरू चौक, धर्मश, ता० पेटलाड़, (गुजरात) |

| 1 | 2 | 3 | 4 |
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| 27. | लोक सभा के लिए साधारण निर्वाचन, 1991, गुजरात | 13—सावरकंधा | श्री तुबर विश्वमिस्ता खां उमेदखा स्थान नावोवर, पो० आ० कालेदा ता० बादगाम, जिला बंसकथा, (गुजरात) |
| 28. | —वही— | —वही— | श्री प्रजापति गणेशभाई मावजीभाई, स्थान और पो० आ० भागल, (गिर्वाली) ता० पालनपुर जिला बंसकथा, (गुजरात) |
| 29. | —वही— | 13—पाटन | श्री कल्दमोहन भाई मानाभाई, गा० मोदेरा, ता० ज्ञानासाना, (गुजरात) |
| 30. | —वही— | 1—कच्छा | श्री गंगाराम प्रेमचन्द्र एस० डी० एक्स० एन०-६१, गंधीधाम कच्छ, (गुजरात) |
| 31. | —वही— | —वही— | श्री शाह पारेश कुमार बृजलाल, बघमान स्टोर, गा० विट्ठोल ता० निष्ठाना, कच्छ, (गुजरात) |
| 32. | —वही— | —वही— | श्री सोरायिया प्रेमजी रामजी, नानी नागलपार, ता० प्रारजट (गुजरात) |
| 33. | —वही— | —वही— | श्री हेमनानी नारनदास रूपचन्द्र दुकान नं० 50234, बाल मन्दिर चौक आदिपुर कच्छ, (गुजरात) |
| 34. | —वही— | 23—महोच | श्री पटेल नारनभाई गुर्जीभाई पीछे रेलवे फाटक कोसाम्बा, ता० मंणरोल, जिला सूरत, (गुजरात) |
| 35. | —वही— | — वही— | श्रीमती मकवाना पद्मावेन, प्रभात सिंह, गांव कोलियाद, पो० आ० राहिजद, ता० वागरा, जिला भंडोच, (गुजरात) |

| 1. | 2. | 3. | 4. |
|-----|--|------------|---|
| 36. | लोक सभा के लिए साधारण नियोजन 1991, गुजरात | 12—मेहसाना | श्री दलीप कुमार चिन्नलाल रावल, 132, पंचल भार्किट, रेलवे स्टेशन के सामने, विसनगर, (गुजरात) |
| 37. | —वही— | —वही— | श्री वीरसंगभाई रेवाखाई चौधरी, स्थान पो० आ० दधियाल, ता० विसनगर, ज़िला मेहसाना, (गुजरात) |
| 38. | —वही— | 7—अमरेली | श्री टेक कालूभाई विरजीभाई, मेन बाजार, बीजापडी, ता० सावरकुण्डला, (गुजरात) |
| 39. | —वही— | —वही— | श्री राजगुरु ललित कुमार तुलसीदास, कावलापौर पोरी, स्थान और पो० आ० चालाला, ता० घारी, (गुजरात) |
| 40. | वही— | —वही— | श्री लिम्बासिया भारत भाई बाबूभाई गजेरापारा कुण्डला रोड, अमरेल, (गुजरात) |

[सं० 76/गुजरात-स०० सं०/92 (1-40)]

आदेश से,

ए० के० श्रीबास्तव, सचिव

ORDER

New Delhi, the 7th August, 1992

O.N. 236.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the State Legislative Assembly, as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951 and according to the Rules and order made thereunder;

TABLE

| Sl. No. | Particulars of Election | S. No. & Name of the Parliamentary Constituency | Name & Address of the contesting Candidate |
|---------|---|---|---|
| 1 | 2 | 3 | 4 |
| 1. | General Election to the Lok Sabha 1991 (Gujarat State) | 22—Baroda | Shri Patel Iqbal Ismail, Udhna, Limbayat Shastri, Chok, Surat (Gujarat) |
| 2. | -do- | -do- | Shri Rajnikant Alias Gopalbhai Ambalal, Hira Bhagal, Near Shri Doodhadhari's Temple Dabhai, Ta. Dabhai, District Vadodara (Gujarat) |

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after the notices and the Election Commission, after considering the representation made by him if any, is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order :

| 1. | 2. | 3. | 4. |
|-----|--|------------------------|--|
| 3. | General Election to the Lok Sabha 1991 (Gujarat State) | 21—Chhota Udaipur (ST) | Shri Rathava Dalsukhbhai Pataliabhai, At and P.O. Pipaldi, Tal. Chhota-Udaipur, District Baroda (Gujarat) |
| 4. | -do- | 8—Bhavnagar | Shri Kachara Hajibhai Ishabhai, Ami Para, Madhumali Valo Kahanco, Bhavnagar (Gujarat) |
| 5. | -do- | -do- | Shri Gauswami Shatigiri M, Ukhrala, Taluka-Ghagha, District Bhavnagar Via Bhadi—Bhandariya (Gujarat) |
| 6. | -do- | -do- | Shri Chauhan Balvipbhai Tisabhai, 'Aavkar' 1640 'A' Opp. Ramannagar, Sardar Nagar, Bhavnagar, (Gujarat) |
| 7. | -do- | -do- | Dhirubhai Chitharbhai Bambhaniya, Kerala, Tal—Talaja, District Bhavnagar (Gujarat) |
| 8. | -do- | 4—Rajkot | Shri Vadadoria Ramesh Chandra Mohanbhai, At Amar Nagar, Via Gondal, Tal. Jetpur (Gujarat) |
| 9. | -do- | 24—Surat | Shri Jain Arvindbhai Rupchand, 2/250, Maheshwar Mohalla, Rustampura, Surat (Gujarat) |
| 10. | -do- | -do- | Shri Thakore Girish Balramsinh, 60/24, Selabatpura Piparti Sheri, Surat, (Gujarat) |
| 11. | -do- | -do- | Shri Patel Mohanbhai Dayalbhai, Gorat Amba Colony Rander District Surat (Gujarat). |
| 12. | -do- | -do- | Shri Babubhai Tejabhai, 191/192, Bhagirath Vibhag-2 Lamba Hanuman Road, Surat (Gujarat) |
| 13. | -do- | -do- | Shri Bangadiwala Hiralal Shagwandas, 3/2247 Pipardi Sheri Salabatpura, Surat, (Gujarat). |
| 14. | -do- | -do- | Shri Rana Jashwant Lal Dhansukhlal, Inderpura, Godhevan Bhaya, Maru-Ni-Ghawli Near Dargah, 3/3116-17, Surat-3 (Gujarat). |
| 15. | -do- | -do- | Shri Sharma Babubhai Fakirbhai, 17/55, Shaifi Society, Zupadpatti, Veraniuladi, Lamba Hanuman Road, Surat, (Gujarat). |
| 16. | -do- | 16—Kapadvanj | Shri Nagindas Chimanki Shah, At and P.O. Sadra, Ta. Dahgam, District Ahmedabad, (Gujarat). |

| 1 | 2 | 3 | 4 |
|-----|---|----------------|---|
| 17. | General Election to the Lok Sabha 1991 (Gujarat State). | 16—Kapadvanj | Dr. Prakash Patel, Manushmruti, opp. Mental Hospital, Karedibag, Baroda, P.No. 390018 (Gujarat). |
| 18. | -do- | -do- | Shri Satyajitsinh Vijayasinh, Gurudham Farm, At and Post Va'dvasa, Ta. Dahegam, District—Ahmedabad, (Gujarat). |
| 19. | -do- | 5—Porbander | Shri Javiya Jaisukhlal Laxmidas, Avni Apartment A/9, Behind Bus Station, Junagarh, (Gujarat). |
| 20. | -do- | -do- | Shri Shingrakhya Mohan Hardas, 13/2 Kadia Plot, Porbander 360575, Gujarat. |
| 21. | -do- | 18—Godhra | Shri Joshi Jayshankar Bhayram, At Navagam, Post Madhwas, Taluka Lunawada, Gujarat. |
| 22. | -do- | -do- | Shri Shah Prakash Kumar, Girish Kumar, At. & Post Office Eral, Taluka Kalol, Distt. Panchmahal. |
| 23. | -do- | -do- | Shri Khokhar Gulam Rasool Sikandarbhai, Masjid Tekri, Balasinor, Distt. Kheda, Gujarat. |
| 24. | -do- | 20—Anand | Shri Thakur Shantilal, Chhelabhai, Maliyapura, Anand Old Road, Gujarat. |
| 25. | -do- | -do- | Shri Desai Nitin Kumar, Mahendrasingh (Jadav) Station Road, Gopal Talkies, Anand (Gujarat). |
| 26. | -do- | -do- | Patel Mahendrabhai, Parshottamdas, Nehru Chowk, Dharmaj, Tal. Petlad, Gujarat. |
| 27. | -do- | 15—Sabarkantha | Shri Tuvar Bishmilakhan, Umedkhan, At. Navowar, P.O. Kaleda, Ta. Vadagam, Distt. Banaskantha, Gujarat. |
| 28. | -do- | -do- | Shri Prajapati, Ganeshbhai Mavjibhai, At. & Post, Bhagad, (Pinthal), Tal. Palanpur, Distt. Banaskantha, Gujarat. |
| 29. | -do- | 13—Patan | Shri Chamar Mohanbhai Manabhai, Village Modhera, Ta. Chanasana, Gujarat. |

| 1. | 2. | 3. | 4. |
|-----|--|------------|---|
| 30. | General Elections to the Lok Sabha 1991 (Gujarat State). | 1—Kutch | Shri Gangaram Premchand, S.D.X. N-61, Gandhidham-Kutch, Gujarat. |
| 31. | -do- | -do- | Shah Paresh Kumar Vrijlal, Vardhman Stores, Village Vithop, Tal. Nikhtana, Kutch, Gujarat. |
| 32. | -do- | -do- | Shri Sorathiya Premji Ramji, Nani Nagalpar, Tal. Arjat, Gujarat. |
| 33. | -do- | -do- | Hemnani Narandas Roop Chand, Shop No. 50234, Balmandir Chowk, Adipur-Kutch, Gujarat. |
| 34. | -do- | 23—Broach | Shri Patel Naranbhai Muljibhai, Opp. Railway Fatak, Kosamba, Taluka Mangrol, Distt. Surat, Gujarat. |
| 35. | -do- | -do- | Smt. Makwana Padmaben Prabat Singh, Village Koliyad, P.O. Rohiad, Tal. Vagra, Distt. Broach, Gujarat. |
| 36. | -do- | 12—Mehsana | Shri Dilip Kumar Chimanlal Raval, 132, Panchal Market, Opp. Railway Station, Visnagar, Gujarat. |
| 37. | -do- | -do- | Shri Virsangbhai Revabhai Chaudhary, At. P.O. Dadhhiyal, Ta. Visnagar, Distt. Mehsana, Gujarat. |
| 38. | -do- | 7—Amreli | Shri Tank Kalubhai Virjibhai, Main Bazar, Vijapadi, Tal. Savarkundla, Gujarat. |
| 39. | -do- | -do- | Shri Rajyaguru Lalitkumar Tulsidas, Kablapa Sheri, At. & P.O. Chalala, Tal. Dhari, Gujarat. |
| 40. | -do- | -do- | Limbasiya Bharatbhai Babubhai, Gajerapara, Kundla Road, Amreli, Gujarat. |

प्रादेश

नई दिल्ली, 7 अगस्त, 1992

आ० अ० 237 :—निर्वाचिन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट विधानसभा के साधारण निर्वाचिन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचिन-क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचिन लड़ने वाला प्रत्येक अध्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वेतन बनाए गए नियमों द्वारा अपेक्षित ग्रपने निर्वाचिन व्ययों का लेखा दाखिल करने में असफल रहा है;

और, उक्त अध्यर्थी ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अवश्या स्पष्टीकरण नहीं दिया है और उनके द्वारा दिए गए अव्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचिन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या अव्यावेचित्र नहीं हैं;

अतः, अब, निर्वाचिन आयोग उक्त अधिनियम की धारा 10-के अनुसारण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अवश्या विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निराहित घोषित करता है।

सारणी

| क्र० सं० निर्वाचिन का विवरण | संसदीय विधान सभा निर्वाचिन क्षेत्र | निर्वाचिन लड़ने वाले अध्यर्थी का नाम और पता | |
|---|------------------------------------|---|---|
| 1 | 2 | 3 | 4 |
| 306. विधान सभा के लिए साक्षात्कारण निर्वाचिन, 1990 | 73—राखियाल | श्री यासिन गुलाम मौहम्मद अजमेरवाला, 1185, प्रभाजिनी खाड़की गाजाजीर, पंच पीपली, अहमदाबाद, (गुजरात) | |
| 307. —वही— | —वही— | श्री मिश्रावरे वत्ताराम राजाराम, विश्वनाथ नगर, राखियाल रोड़, अजित पिल के पास, अहमदाबाद, (गुजरात) | |
| 308. —वही— | 110—मधराज | श्री पंड्या गुणवंत लाल मनिलाल, स्थान और डाकघर मेघराज, ता० मेघराज, सावरकंठ जिला, (गुजरात) | |
| 309. —वही— | —वही— | श्री मामकवाड़ ननेन्द्र सिंह विठ्ठलरे, स्थान और डाकघर बाड़वासा, ता० देहगाम, जिला अहमदाबाद, (गुजरात) | |
| 310. —वही— | 105—मिलोदा | श्री चमार मगनभाई लालभाई स्थान और डाकघर गर्नीयमोल बागा बाड़ोली, ता० इदार, सावरकंठ जिला, (गुजरात) | |

| 1 | 2 | 3 | 4 |
|------|---|-------------|---|
| 311. | विधान सभा के लिए साधारण निवाचन 1990, | 80—कालील | श्री ठाकुर फुबरजी मढ़ाजी को चांदीसाना, डाकघर आइसा, ता० कलोल, जिला मेहसाना, (गुजरात) |
| 312. | —वही— | 83—मेहसाना | श्री दारजी नटवरलाल हरगीविन्ददास दूसरा पुराना पारा, महसाना—I, (गुजरात) |
| 313. | —वही— | 106—हिमतनगर | श्री ठाकराले सोभर्सिंह सोभर्सिंह, स्थान और पो० कंकलाल, जिला हिमतनगर, (गुजरात) |
| 314. | —वही— | —वही— | श्री शर्मा प्रफुल चन्द्र बंसीधर नया बाजार, स्थान और पो० हिमतनगर, जिला सावरकंठा, (गुजरात) |
| 315. | —वही— | —वही— | श्री मेनन फकीर अहमद हिंदीकभाई बोलो ग्राउंड, हिमतनगर, (गुजरात) |
| | —वही— | —वही— | श्री पटेल दिनेशभाई कालिदास सुथरवाड़ा; स्थान और पो० देहगाम, जिला अहमदाबाद, (गुजरात) |
| 317. | —वही— | —वही— | श्री रावजीभाई कांजीभाई पटेल, स्थान और पो० किरणी केम्पा ता० हिमतनगर, सावरकंठा जिला, (गुजरात) |
| 318. | —वही— | 93—सामी | श्री ठाकुर मेथाजी रावजी, स्थान गणेशपुरा, पो. जामनपुरा ता० हारिजे, जिला मेहसाना, (गुजरात) |
| 319. | —वही— | —वही— | श्री महा भरमालभाई बलभभाई स्थान गोदाना, ता० सामी, जिला मेहसाना, (गुजरात) |

| 1 | 2 | 3 | 4 |
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| 320. | विधान सभा के लिए साधारण निर्वाचन 1990 | 91—पटन | श्री पटेल अमृतभाई खेवलभाई उगनानी पट्टी, स्थान और पो० मनुनेल, ता० पटन, जिला मेहसाना, (गुजरात) |
| 321. | —वही— | 78—नारोदा | श्री जज्जासी किशोरभल वासमल, मार्क्ट दूसरी मंजिल, सागर ट्रेवल्स अस्टोडिंगा, अहमदाबाद, (गुजरात) |
| 322. | —वही— | 112—कालोद | श्री परसी मानसिंहभाई प्रतापभाई स्थान और पो० छस्तीर, तालुक सत्तायपुर, जिला पंचमालदा गोधरा, (गुजरात) |
| 323. | —वही— | 156—भड़ीच | श्री सापा इशाहम युसुफ सापा स्ट्रीट, स्थान और पो० टंकारिया, ता० और जिला भड़ीच, (गुजरात) |
| 324. | —वही— | 66—देहगाम | श्री ठाकुर तखाकी भवनजी, पो. बालना, ता० देहगाम; जिला अहमदाबाद, (गुजरात) |
| 325. | —वही— | —वही— | श्री बाबेभाई चुनीभाई पामीन; आमीनवाड़ा, देहगाम, ता० देहगाम, जिला अहमदाबाद (गुजरात) |
| 326. | —वही— | 84—भेसा | श्री पटेल कांतिलाल भोलीदास, स्थान और पो० घोलाकुंआ, ता० बीजापुर, जिला मेहसाना, (गुजरात) |
| 327. | —वही— | —वही— | श्री पटेल मंगलभाई रीवाभाई स्थान और पो० देलवाहा ता० बीजापुर, जिला मेहसाना, (गुजरात) |

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| 328. | विधान सभा के लिए साधारण निर्वाचन, 1990 | 84—मंसा | श्री ठाकुर गामधारी हजरजी, स्थान बोस, ता० बीजापुर जिला भेहसाना, (गुजरात) |
| 329. | —वही— | —वही— | श्री पटेल भीबाभाई कछारपाई, प्लाट नं० 1, गंज बजार, मंसा ता० बीजापुर, जिला भेहसाना (गुजरात) |
| 330. | —वही— | —वही— | श्री शेष इकबाल हुसैन इब्राहीम मियां मस्तिजद चीक, मंसा ता० बीजापुर, जिला भेहसाना (गुजरात) |
| 331. | —वही— | 51—पलिताना | श्री बेलाट गोर्खनभाई हरिभाई पुलिस लाईन के पीछे, बादो, पलिताना, जिला भावनगर, (गुजरात) |

[सं० 76/गुजरात/91 (306—331)/विं सं०]

आदेश से,

ए० के. श्रीवास्तव, सचिव

ORDER

New Delhi, the 7th August, 1992

O.N. 237.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the State Legislative Assembly, as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge the account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder.

And, whereas, the said candidates has either not furnished

any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by him if any, is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State or Territory for a period of three years from the date of this order :—

| S. No. | Particular of Election | S. No. and Name of the Assembly Constituency | Name and address of the Contesting Candidates |
|-----------|--|---|---|
| 1 | 2 | 3 | 4 |
| 306. | 73—Rakhial General Election to Legislative Assembly, 1990 | 73—Rakhial | Shri Yashin Gulam Mohammad Ajmerwala, 1185, Prabhjini Khadki, Gajapir, Panch Pipli, Ahmedabad Gujarat |

| | | | |
|------|---|----------------|---|
| 307. | 73-Rakhial General Election to Legislative Assembly, 1990 | 73- Rakhial | Shri Mishaware Dattaram Rajaram, Vishvanath Nagar, Rakhial Road, Ncar Ajit Mill, Ahmedabad, Gujarat. |
| 308. | —do— | 110-Meghraj | Shri Pandya Gunvant Lal, Manilal, At & P.O. Meghraj, Tal. Meghraj, Sabarkantha District, Gujarat. |
| 309. | —do— | —do— | Shri Gayakwad Narendra Singh Vithalray, At & Post Vadvasa, Tal. Dahegam, Distt. Ahmedabad, (Gujarat). |
| 310. | —do— | 105-Bhilrda | Shri Chamar Maganbhai Lambabhai, At & P.O. Ganthiol, Via. Badoli, Tal. Idar, Sabarkantha District (Gujarat). |
| 311. | —do— | 80-Kalol | Shri Thakur Kuwarji Madhaji, To Chandisana, P.O. Amja, Ta. Kalol Distt. Mehsana, (Gujarat). |
| 312. | —do— | 83-Mehsana | Shri Darji Natwarlal Hargovandas, Second Oal Para, Mehsana-1, (Gujarat). |
| 313. | —do— | 106-Himatnagar | Shri Thakarale Somsinh Sonsinh. At & Post Kanklol, Distt. Himatnagar, Gujarat. |
| 314. | General Election to Legislative Assembly, 1990 | 106-Himatnagar | Shri Sharma Praful Chandra Bansidhar, Nava Bazar, At & Post Himatnagar, District Sabarkantha, (Gujarat). |
| 315. | —do— | —do— | Shri Menon Fakir Ahmmad Siddikbhai, Pologround, Himatnagar, (Gujarat). |
| 316. | —do— | —do— | Shr Patel Dineshbhai Kalidas, Suthar Wada, At & Post Dehgam, Distt. Ahmedabad, (Gujarat). |
| 317. | —do— | —do— | Shri Ravjibhai Kanjibhai patel. At & Post Likhi Campa, Ta. Himatnagar, Sabarkantha District, (Gujarat). |
| 318. | —do— | 93-Sami | Shri Thakur Methaji Ravaji, At Ganeshpura, Post Jamanpura, Ta. Harij, District Mehsana (Gujarat). |
| 319. | —do— | —do— | Shri Nadoda Bharmalbhai Valabhai, At Godhana, Ta. Sami, District Mehsana, (Gujarat). |
| 320. | —do— | 91-Patan | Shri Patel Amrutbhai Khemabhai, Uganani Paty, At & Post Manund, Ta. Patan, District Mehsana (Gujarat). |
| 321. | —do— | 78-Naroda | Shri Jagyasi Kishormal Vasumal. C/o 11nd Floor, Sagar Travels, Anstodia, Ahmedabad (Gujarat). |

| 1 | 2 | 3 | 4 |
|------|--|-----------------|--|
| 322. | General Election to Legislative Assembly, 1990 | 112-Jhalod (ST) | Shri Pargi Mansinghbhai Pratapbhai, At & Post Chhator, Taluka Santaranpur, District Panchmahals, Gadhara, (Gujarat). |
| 323. | —do— | 156-Broach | Shri Sapa Ibrahim Yusuf, Sapa Street, At & Post Tankaria, Taluka & District Bharuch, (Gujarat). |
| 324. | —do— | 66-Dehgam | Shri Thakore Takheji Bhavanji, Post Bilmana, Tal. Dehgam, District Ahmedabad, (Gujarat). |
| 325. | —do— | —do— | Shri Babubhai Chunibhai Amin, Aminvada, Dehgam, Tal. Dehgam, Distt. Ahmedabad, (Gujarat). |
| 326. | —do— | 84-Mansa | Shri Patel Kantilal Bholidas, At & Post Dholakuwa, Ta. Vijapur, District Mehsana, (Gujarat). |
| 327. | —do— | —do— | Shri Patel Mangalbhai Revabhai, At & Post Delwada, Ta. Vijapur, Distt. Mehsana (Gujarat). |
| 328. | —do— | —do— | Shri Thakor Gabhaji Hajurji, At. Boru, Ta. Vijapur, Distt. Mehsana, (Gujarat). |
| 329. | —do— | —do— | Shsi Patel Bhikhhabhai, Kacharabhai, Plot No. 1, Ganj Bazar, Mansa, Ta. Vijapur, District Mehsana (Gujarat). |
| 330. | —do— | —do— | Shri Shaikh Iqbal Husain Ibrahim Miya, Masjid Chowk, Masia, Tal. Vijapur, District Mehsana (Gujarat). |
| 331. | —do— | 51-Palitana | Shti Belar Gordhanbhai Haribhai, Behind Police Line, Wadi Palitana, District Bhavnagar, (Gujarat). |

[No. 76-GJ/91(306-331) (LA)]

By Order,
A. K. SRIVASTAVA, Secy.

CORRIGENDUM

New Delhi, the 1st September, 1992

O.N. 238.—In Commission's order No. 76/OR-LA/90, dated 7th February, 1992, the entry in column 4 against Sl. No. 2 may be read as Shri Haribandhu Sabar, Village Old Gunupur, P.O. Gunupur Distt. Koraput, Orissa instead of Shri Haribandhu Jabar, Village—Old Gunupur, P.O. Gunupur, Dist. Koraput, Orissa.

[No. 76/OR-LA/90]

By Order,

BALWANT SINGH, Secy.

शुद्धिपत्र

नई विलीन, 1 तितम्ब 1992

आ.प्र. 238.—मायोर के तारीख 7 फरवरी, 1992 के आदेश मंजूरा 76/उड़ीसा-वि.ल. 90 में क्रम सं. 3 के सामने स्तम्भ 4 की प्रविष्टि श्री हरिबन्धु जाबर, गाँव पुराना गुनुपुर डाकघर, गुनुपुर, खिला घोराटुड उड़ीसा के स्थान पर श्री हरिबन्धु साबर, गाँव पुराना गुनुपुर, डाकघर गुनुपुर, खिला घोराटुड, उड़ीसा पड़ा आए।

[संख्या 76/उड़ीसा-वि.ल. 90]

आदेश से,
धनवन्त सिंह, मण्डिप

नई दिल्ली, 7 सितम्बर, 1992

आ.प्र. 239.—लोक प्रतिनिधित्व प्रधिनियम, 1951 (1951 का 43) की बारा 106 के अनुसारण में, निर्वाचन आयोग 1991 को निर्वाचन अर्जी सं. 6 में भव्य प्रदेश उच्च न्यायालय, ग्वालियर बैच के नाम संख्या 15 जुलाई 1992 के आदेश को एतत् द्वारा प्रकाशित करता है।

(मराठा भाषा अंतर्गत नहीं छापा है।)

[(सं. 82/म.प्र.लो.स./6/91/92)]

मायंग रो,
बसवन्त सिंह सचिव

NOTIFICATION

New Delhi, the 7th September, 1992

O.N. 239.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order of the High Court of Madhya Pradesh, Bench Gwalior dated 15th July, 1992 in Election Petition No. 6 of 1991.

ELECTION PETITION NO. 6 OF 1991 IN THE HIGH COURT OF MADHYA PRADESH, GWALIOR BENCH, GWALIOR

Udayan Sharma

Vs.

Yoganand Saraswati

ORDER

Sole respondent in this matter is the returned candidate whose election from Lok Sabha Constituency No. 2 Bhind-Datia, Madhya Pradesh, has been challenged by the petitioner. The result of election was declared on 16-6-1991 and, at the Main Seat, the petition was lodged on 30-7-1991. It came before me on being assigned for trial for the first time on 14-8-1991, but the petition was admitted for hearing on 28-9-1991 when election petitioner's counsel, Shri Vashishta, submitted that the petition be treated to be in form and order may be passed for issuance of notice to the respondent.

2. However, on 29-11-1991, on behalf of respondent, three interlocutory applications, I.A. Nos. I, II and III were pressed and indeed, by I.A. No. 1, urgent hearing was pressed merely of the other two applications, I.A. Nos. II and III. It was contended, pressing I.A. Nos. II and III, that one "Mathura Prasad Mahant" was necessary party because he was a "withdrawn candidate" and for his non-impleadment, the election petition was liable to be dismissed in limine. Time for filing reply was allowed and that was extended by orders passed on 7-12-1991, 13-1-1992 and 14-2-1992. Finally, the reply came on 17-3-1992 and the following preliminary issue was struck for trial to dispose of the preliminary objection :

"Whether Mathura Prasad Mahant, Ex. M.L.A. from Lahar constituency was a candidate in the concerned election, who had subsequently withdrawn from contest and whether for his non-impleadment the election petition is liable to be dismissed in limine under Section 82(b) read with section 86(1) of the Representation of Peoples Act, 1951 ?"

3. Evidence has been led by the respondent in support of the preliminary objection raised. His witnesses were examined on 29-4-1992, 30-4-1992, 1-5-1992, 2-5-1992 and 6-5-1992 and they were discharged after cross-examination. For adducing rebuttal evidence, on the prayer of election petitioner's counsel, Shri Vashishta, ten days time was granted for taking steps to summon the official witnesses, to be examined on and from 22-6-1992. By the same order, passed on 6-5-1992, it was further directed that the non-official wit-

nesses shall be kept ready in person in Court to give evidence and no summons need be issued to them. On 23-6-1992, Shri Vashishta submitted that no steps could be taken because he received no instructions from the election petitioner in regard to adducing rebuttal evidence. Accordingly, evidence on the preliminary issue was closed and for arguments, 7-7-1992 was fixed. None appeared for the election-petitioner to advance any argument, but on behalf of respondent Sarva shri R. K. Shinde and R. Bhargava, appeared and their arguments were heard.

4. In so far as the law is concerned that is settled. The High Court has no other option, as mandated by Section 86(1), the Representation of the People's Act, 1951, for short, the 'Act' but dismiss in limine an election petition which does not comply with the requirements of Section 82, among others. The requirement of Section 82(b) is clear and positive that "any other candidate against whom allegations of any corrupt practice are made in the petition" is to be joined as respondent in the election petition. I had an occasion recently to deal with the question in the Election petition No. 43 of 1990 (Raising v. Harisinghi), decided on 12-12-1991, and to survey the relevant authorities in that case, hearing on the question. Relying on Mohan Rai's case, hearing on the held that even when a candidate duly nominated, continues to be candidate for the purpose of Section 2(2) inspite of his withdrawal and his non-implementation is fatal in case against him an allegation of corrupt practice is made. The defect is incurable and trial cannot proceed by amending the petition. Indeed, in that case also, facts were similar in that the preliminary objection which was upheld appertained to non-implemental of a candidate against whom allegations of corrupt practice had been made and the candidate had withdrawn from contest after nomination.

5. Relevant to the issue, the averment made in the election petition may be first referred to. At para 9 of the Election petition, it is to be read sub-heading, "Corrupt practices". It is stated that a meeting was convened by respondent on 28-4-1991 and among others who attended the meeting was "Mathura Prasad Mahant, Ex. M.L.A. from Lahar Constituency from BJP, resident of Lahar, Bhind" who was sitting on the rostrum with the other persons named in the para. Among "main speakers" in the said meeting was the said "Shri Mathura Prasad Mahant, Ex. M.L.A. from Lahar Constituency from BJP". It is further averred that, "the Ex. MLA from Lahar constituency, Shri Mathura Prasad Mahant delivered the speech that, "Congress Hindu Virodhi hain, Congress hindu dharma ke sankat ka karan hain. Hindu dharma Congress naشت kar raha hain. Hindutva ko bachaane ke liye sabhi siton mein BJP ko vote dena hain. Ram ke nam par BJP ko jitaye".

6. On the above averments, it is difficult to dispute that an allegation of corrupt practice in terms of the provisions of Section 123 sub-section (2) and (3-A), is made against Mathura Prasad Mahant, Ex. M.L.A. and, therefore, to decide the issue, the main point for determination is if he was a candidate in the election in which respondent was declared elected and if he had subsequently withdrawn from contest. In I.A. No. III, the respondent had taken the stand that the said Mathura Prasad Mahant had filed the nomination paper with the Returning Officer and his name was duly notified under Section 75 of the Act. After scrutiny, his nomination paper was accepted and included in the list of validly nominated candidates, notified under Section 36(8) of the Act. It is the Returning Officer and his name was duly notified under also averred that the said Mathura Prasad Mahant withdrew his nomination/candidature under Section 37(I) of the Act which was accepted by the Returning Officer and his name was duly notified at S. No. 4 of the list of withdrawn candidates, notified on 25-4-1991 by the Returning Officer.

7. In the reply to the preliminary objection raised by the respondent, it is denied that Mathura Prasad Mahant was a validly nominated candidate in the election. It is also denied that Mathura Prasad Mahant duly filed his nomination paper and his name was duly notified. The case of the respondent that the said Mathura Prasad Mahant withdrew his nomination/candidature on 29-4-1991 and he had notified that to the Returning Officer is contested. It is also contended that the allegations in the election petition concerning the

said Mathura Prasad. Mahant did not constitute corrupt practice.

8. On record have come and are duly proved, among others, the following documents :-

- (i) Ex. R/1—Voters list of 14 Lahan Constituency of the year 1988 of which, at S. No. 687 is entered "Mathuraprasad Bhawani Prasad";
- (ii) Ex. R/2—Voters List of 12 Bhind Constituency of the year 1988 of which at S. No. 1650 is entered "Mayaram Prabhudayal";
- (iii) Ex. R/3—Oath subscribed by "Mathura Prasad Bhawani Prasad" in the requisite form who signed his name as Mathura Prasad Mahant and on which is endorsed of the oath being administered on 25-4-1991 by the Returning Officer;
- (iv) Ex. R/4—Nomination form showing candidate's name Mathura Prasad and father's name Bhawani Prasad, dated 25-4-1991. It is signed at one place by the proposer Mayaram Prabhudayal and another place by the candidate Mathura Prasad Mahant with endorsement recorded on 27-4-1991 by the Returning Officer that on scrutiny, he found the nomination paper valid;
- (v) Ex. R/6—List of duly nominated candidates of 2 Bhind Lok Sabha Constituency, dated 27-4-1991 of which, at S. No. 19, is recorded candidate's name Mathura Prasad, his father's name Bhawani Prasad and address, village and P.O. Lahan, District Bhind. It is also recorded that he was candidate of BJP;
- (vi) Ex. R/7—Notice dated 29-4-1991 in the prescribed form, addressed to the Returning Officer by Mathura Prasad Bhawani Prasad who signed his name as Mathura Prasad Mahant, informing him that he was withdrawing his candidature. It contains endorsement of the Returning Officer of receipt of the notice on 29-4-1991;
- (vii) Ex. R/8—List dated 29-4-1991 of candidates who had withdrawn their candidature from 2 Bhind-Datia Lok Sabha Constituency which contains, among others, the name of Mathura Prasad, resident of village and P. O. Lahan, Pargana Lahan, District Bhind. The list is signed by the Returning Officer;
- (viii) Ex. R/10—Certificate dated 5-3-1985 issued by Returning Officer 14-Lahan Assembly Constituency to Mathura Prasad Mahant of his being elected on 5-3-1985 from that constituency;
- (ix) Ex. R/11—Identity Card No. 942 with 8 photograph issued to Mathura Prasad Mahant of 14-Lahan Constituency, District Bhind by Secretary M. P. Legislative Assembly, Bhopal;
- (x) Ex. R/12 and 13—Photographs proved by R.W. 6 as photographs taken by him of witness Mathura Prasad Mahant; and
- (xi) Exs. R/14 and 15—Negatives of the photographs.

9. As earlier alluded, six witnesses were examined in this case by the respondent in support of his case and prayer to hold the election-petition to be not maintainable for non-impleadment of withdrawn candidate Mathura Prasad Mahant, Ex. M.L.A. and for the same to be dismissed in limine. R.W. 1 is an Assistant in the Election Office at Bhind and he proved the documents produced from the Election Office to which reference is made above. R.W. 2 is the Returning Officer who deposed that he was Collector, Bhind and was holding that post since 26-3-1991. In the Lok Sabha election of 1991, he was Returning Officer for 2-Bhind-Datia Lok Sabha Constituency. He proved his signature on Ex. R/3 and deposed that in his presence Mathura Prasad Mahant also affixed signature on that and subscribed to the oath. He identified Mathura Prasad Mahant present in Court and stated that he was the person who had subscribed to the oath and had signed Ex. R/3. He proved similarly the other documents Ex. R/4 to R/7. He stated that he had published the list Ex. R/8 on 29-4-1991 of candidates who had notified withdrawal of their candidature. He was confronted with Ex. R/3 (wrongly typed as Ex. P/3), the form of oath.

to suggest that oath was administered to Mathura Prasad Bhawani Prasad and in the form of oath, the corresponding serial number for the voter appearing in the Voters List was not mentioned. It was suggested to him also that it was not established, therefore, that the person whose name appeared at serial No. 683 of Ex. R/1 was the same person who had subscribed the oath in Ex. R/3. He stated clearly in his cross-examination, however, that the person who had subscribed to the oath as Mathura Prasad Bhawani Prasad was known as Mathura Prashad Mahant and there was no other Mathura Prasad Mahant of that name in the district.

10. Respondent gave evidence as R.W. 3. He stated that personally knew Mathura Prasad Mahant, Ex.-M.L.A. Lahan for ten years and also his father Bhawani Prasad for the last twenty years. He was elected M.L.A. as a candidate of B.J.P. in the year 1985 from Lahan Assembly Constituency. In 1991 election for Lok Sabha, Mathura Prasad Mahant filed his nomination paper for 2-Bhind-Datia Constituency and that was accepted on scrutiny. Because the party did not give him ticket, he withdrew his candidature. He identified Mathura Prasad Mahant present in Court. He stated that in village Chiroli at some distance from Lahan, there was a temple of which is Mathura. Prasad's father Bhawani Prasad, was Mahant. People, therefore, called his son by the name of Mathura Prasad Mahant. He denied Mathura Prasad son of Bhawani Prasad was some other person who had filed nomination paper and Mathura Prasad Mahant had not filed nomination paper.

11. R.W.4, Mayaram Sharma deposed that he was a lawyer practising at Bhind for the last seven years. He had proposed the candidature of Mathura Prasad Mahant in 1991 Lok Sabha election and signed the same. He proves his signature on Ex. R/4 and also those of Mathura Prasad Mahant. He stated that he had filled in Ex. R/4. Mathura Prasad Mahant's name as Mathura Prasad son of Bhawani Prasad because in the Voters List Mathura Prasad's name was printed as "Mathura Prasad Bhawan Prasad". He stated that Mathura Prasad Mahant subscribed to his oath on Ex. R/3, in his presence. He knew Mathura Prasad Mahant for the last twelve years. He stated that from 1985 to 1990, he was M.L.A. from Lahan. He denied that the person who subscribed to the oath in Ex. R/3 or whose name was proposed in Ex. R/4 was different person and not Mathura Prasad Mahant who was present in Court.

12. Mathura Prasad Mahant gave evidence as R.W.5. He stated that he was elected from Lahan Assembly Constituency in 1985 when he was candidate from B.J.P. He proved his certificate Ex. R/10, which was issued to him by Returning Officer. He also proved the Identity Card, issued to him, Ex. R/11, and his signature and photographs thereon. He stated that in 1991, he had filed nomination paper to contest election from 2-Bhind-Datia Lok Sabha Constituency. He stated that Mayaram son of Prabhudayal had proposed his name. He stated further that in the Voters List his surname (Mahant) nor his proposer Mayaram's (Sharma) were mentioned. He also proved Ex. R/7, the notice which he gave to Returning Officer, withdrawing his candidature. It is also his evidence that besides him, no person by the name of Mathura Prasad Mahant was M.L.A. from Lahan Assembly Constituency. He gave names of the M.L.A.s. who represented that constituency in different years (1952, 1957, 1962, 1967, 1972, 1977, 1980 and also 1990). He deposed that in 1983 also, he had filed his nomination paper as Mathura Prasad Bhawani Prasad but he had got his name printed on ballot papers as Mathura Prasad Mahant. He had made an application in that regard to the Returning Officer. After election a certificate was also issued to him in the name of Mathura Prasad Mahant.

13. R.W. 6 is the proposer. His evidence is that on 2-5-92, he had taken photographs in his studio of R.W.5, Mathura Prasad Mahant, whom he identified in Court. He proved the photographs, Ex. R/12 and R/13 and the negative Ex. R/14 and R/15.

14. On the documentary and oral evidence adduced in the case, it is difficult to reject the contention of the respondent that R.W. 5, Mathura Prasad Mahant, Ex. M.L.A. Lahan was a candidate in 1991 Lok Sabha election who had filed the nomination paper, but he withdrew his candidature subsequently. Although an endeavour was made to dispute that fact and identity of R.W. 5, it proved futile. Obviously, the election-petitioner found no scope for adducing any rebuttal evidence and, therefore, none was adduced. I have no reason to disbelieve the Returning Officer or R.W. 5 and their testimony fully supports the case of the respondent.

15. Accordingly, I answer the preliminary issue in the affirmative, against the election-petitioner. I hold that Mathura Prasad Mahant, Ex. M.L.A. from Lahar Constituency was a candidate in the concerned election who had subsequently withdrawn from contest and that his non-impleadment in the election-petition is fatal. It is liable to be dismissed in limine under Section 82(b) and 86(1) of the Act.

16. As contemplated under Section 103 of the Act, steps as not maintainable and the preliminary objection of the respondent in that regard is upheld. It merits dismissal in limine and is dismissed accordingly. No order, however, is made as to costs.

16. As contemplated under Section 103 of the Act, steps shall be taken by the Registry to intimate at once the substance of this order to the Election Commission, New Delhi and the Speaker, Lok Sabha, New Delhi and in due course, to send also to the Election Commission, an authenticated copy of this order.

T. N. SINGH, Election Judge
Sd/-
[No. 82/MP-HP/6/91/92]
By Order
BALWANT SINGH, Secy.

आदेश
नई दिल्ली, 7 सितम्बर, 1992

आ. अ. 241 :—भारत निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में विधायिकाओं के लिए मईजून, 1991 में हुए निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उनके गामने विनिर्दिष्ट निर्वाचन नड़ने वाले अव्यर्थ, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपर्याप्त निर्वाचन व्यक्तों के लिए दाखिल करने में असफल रहे हैं;

और उक्त अव्यर्थियों ने सम्यक मूलता दिए जाने पर भी उक्त असफलता के लिए न तो कोई कारण अथवा स्पष्टीकरण ही दिया है या उनके द्वारा दिए गए अध्यावेदनों पर, परि कोई हो, विचार करने के पश्चात निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब निर्वाचन आयोग उक्त अधिनियम, की धारा 10क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस भारतीय की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

| क्र. सं. | निर्वाचन का विवरण | संसदीय निर्वाचन क्षेत्र की क्र. सं. व नाम | निर्वाचन लड़ने वाले अव्यर्थों का नाम और पता | निरहित का कारण |
|----------|------------------------------------|--|--|---|
| 1 | 2 | 3 | 4 | 5 |
| 1. | लोक सभा के लिए साधारण नियमित, 1991 | 1—नई दिल्ली | श्री अजय, ए. 5/17, तिल्बिया कालीनी, | निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया। |
| 2. | —वही— | 2—दक्षिण दिल्ली | श्री अनमोल रामफल, आर.—15, होज खास एनक्लेक नई दिल्ली। | —वही— |
| 3. | —वही— | 3—आहरी दिल्ली | श्रीगित कुमार, ए—3 पार्केट सेक्टर—8, 132 एम. आई. जी. फ्लैट, रोहिनी, दिल्ली। | —वही— |
| 4. | —वही— | 5—चांदनी चौक | श्री मुरलीधर, 356, कुचा धासीगाम, दिल्ली। | लेखा रीति से दाखिल नहीं किया। |

शुद्धि पत्र

नई दिल्ली, 7 सितम्बर, 1992

प्रा.म. 240 :—प्रायोग के आदेश में 76/वार्षीय-स्टो-92(2) परि ज्ञ. 7 गई, 1992 में श्री प.जे.ए.मेहता के सम्बन्ध में नम सं. 8 पर को गई प्रवेशिका को यह किया गया मात्रा जाएगा और क्र.सं. 10 को 9 के द्वारा में पुनः संपादित किया जाएगा।

[म. वार्षीय-स्टो.स/91]
आदेश सं,
प्रा.म. डी.प्रसाद, मंत्रिमं

CORRIGENDUM

New Delhi, the 7th September, 1992

O.N. 240.—In the Commission's Order No. 76/CH/HP/92(2) dated 7th May, 1992, the entry made at Sl. No. 8 in respect of Shri P. J. S. Mehta shall be treated as cancelled and Sl. No. 10 be renumbered as 9.

[No. CH-HP/91]
By Order,
S. D. PERSHAD, Secy.

| 1 | 2 | 3 | 4 | 5 |
|----|--|-----------------|---|--|
| 5. | लोक सभा के लिए गण्डारण नियंत्रित 1991 | ८—पश्चिम दिल्ली | श्री राजेश कुमार, ए—७४, गुजराबाला टाउन १, दिल्ली। | निर्बचित व्ययों का कोई पौ लेखा दाखिल नहीं किया। |
| 6. | —वही— | —वही— | श्री चेतन कुमार, ८२३४, मुसलतानी डॉडा, पहाड़गांज, नई दिल्ली। | —वही— |
| 7. | —वही— | —वही— | श्री विमल मियाना, ७/१२६, रमेश नगर, नई दिल्ली। | —वही— |
| 8. | —वही— | —वही— | श्री जगदीश लाल, ५३८६/६ न्यू चन्द्रावल दिल्ली—७ | —वही— |
| 9. | —वही— | —वही— | श्री विट्ठल पटेल, शे-३८०, मंगोलपुरी, नई दिल्ली। | निर्बचित व्ययों का लेखा रीति से दाखिल नहीं किया। |

[सं. 76/दिल्ली—लो० सं. ९२ (७)]

आदेश से,
एम. डी. प्रसाद, सचिव

ORDER

New Delhi, the 7th September, 1992

O.N. 241—Whereas the Election Commission of India is satisfied that the contesting candidates specified in column (4) of the Table below, at the election to the House of the People as specified in column (2) and held from constituency correspondingly specified in column (3) against their names have failed to lodge account of their election expenses, as shown in column (5) of the Table, as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason of explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

TABLE

| S. No. | Particulars of election | S. No. & Name of Parliamentary Constituency | Name & Address of the candidate | Reason for dis- qualification |
|-----------|---|---|--|--|
| 1 | 2 | 3 | 4 | 5 |
| 1. | General Election to House of People, 1991. | 1—New Delhi 2—South Delhi —do— | Sh. Ajay, A 5/17, Tibiya Colony, Karol Bagh, New Delhi. Amool Ramphal R-15, Hauz Khas Enclave, New Delhi. | Failure of lodge ac- count of election expenses. —do— |

| 1 | 2 | 3 | 4 | 5 |
|----|--|-----------------|---|---|
| 3. | General Election to House of people 1991 | 3—Outer Delhi | Sh. Shiv Kumar, A-3 Pocket Sector-8, 132 MIG Flat Rohini, Delhi. | Failure to lodge account of election expenses. |
| 4. | —do— | 5—Chandni Chowk | Sh. Murlidhar 356, Kucha Ghazi Ram, Delhi. | Failure to lodge account in the man- ner required by law. |
| 5. | —do— | 6—Sadar Delhi | Sh. Rajesh Kumar, A-74, Gujrawala Town-I, Delhi. | Failure to lodge account of election expenses. |
| 6. | —do— | —do— | Sh. Chetan Kumar, 8234, Multani Dhana, Pahar Ganj, New Delhi. | —do— |
| 7. | —do— | —do— | Sh. Vimal Bhayana, 7/126, Ramesh Nagar, New Delhi. | —do— |
| 8. | —do— | —do— | Sh. Jagdish Lal, 5386/6, New Chandrawal, Delhi-7. | —do— |
| 9. | —do— | —do— | Sh. Vittal Patel, D-380, Mangolpuri, New Delhi. | Failure to lodge account in the man- ner required by law. |

[No. 76/DL-HP/92(7)]

By Order,

S. D. PERSHAD, Secy.

अधिसूचना
नई दिल्ली, 9 सितम्बर, 1992

आ. अ. 241.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग एवं द्वारा 1990 को निर्वाचन अर्ती सं. 2 में दिया गया पटना उच्च न्यायालय (पटना बैच्च, पटना) का तारीख 4-4-92 का आदेश प्रकाशित करता है। (आदेश, अंग्रेजी में प्रकाशित है)

[सं. 82/बिहार/12/90/92]
आदेश से
बलवंत राह, सचिव

NOTIFICATION

New Delhi, the 9th September, 1992

O.N. 242.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order dated the 4th April, 1991 of the High Court/Supreme Court of judicature at Patna in Election Petition No. 2 of 1990.

IN THE HIGH COURT OF JUDICATURE AT PATNA
RANCHI BENCH
E.P. 2/90(R)

Theodor Kujur Vers. Smt. Sumati Oraon and Others.

21. 4/4/91. Heard Mr. A. K. Lal, learned counsel for the petitioner.

It is the admitted position that the Parliament in which respondent No. 1 was said to have been elected, has been dissolved and a fresh election has been ordered.

In this view of the matter, in the light of the decision reported in AIR 1974 Supreme Court, 505, this election petition has, in fact, and in effect, become infructuous as there is no living issue now which requires, decision. In fact, carrying on such type of election cases, will ultimately amount to futile exercise of power for no benefit of either of the parties involving unnecessary wastage of court's time and money of the parties.

Mr. Lal has raised an issue which appertains to the merit of the case whether the petitioner is an oraon or not. This matter itself has become infructuous in view of dissolution of the Parliament and, as such, I am not prepared to go into the merit of this aspect of the case. Moreover, it is the admitted position that no corrupt practice is involved in this case.

In view of the ruling referred to above, this election petition has lost its value, effectiveness and utility and it is accordingly, dismissed as being infructuous. The parties are directed to bear their own costs.

Let it be communicated to all concerned.

[No. 82/BR/(2/90)/92]

By Order,

BALWANT SINGH, Secy.

नई दिल्ली, 10 सितम्बर, 1992

ग्रा. प. ३४३—१९८५ की निर्वाचन अधीक्षा नं. ३ में विहार उच्च न्यायालय पटना वंच के ताराख १६-६-१९८५ के आदेश के विषय में दाखिल की गई १९८६ की विधिवाली अमोन नं. २४४० (एनसीई.) में भारत के उच्चतम न्यायालय के दिनांक ९ मई, १९९१ के आदेश को लालू प्रतिनिधित्व अधिनियम, १९५१ (१९५१ का ४३) का धारा ११६ ग(२) (अ) के अनुसर में निर्वाचन आर्थिक प्रकाशित करता है।

(आदेश अधीक्षा में प्रकाशित हैं)

[म. ८२/विहार/१३/८५/८६]
आदेश से,
बनवन्न सिह, मण्डि

New Delhi, the 10th September, 1992

O.N. 243.—In pursuance of Clause (b) Sub-section 2 of 116-C of the Representation of the People Act, 1951 (43 of 1951) the Election Commission of India hereby publishes the Order dated 9th May, 1991 of the Supreme Court of India in Civil appeal No. 2840 (NCE) of 1986 filed against the order dated 16th June, 1986 of the High Court of Judicature at Patna, Bihar in Election Petition No. 3 of 1985.

Certified to the true copy
Sd/-
Assistant Registrar (Judi.)
31-5-1991
Supreme Court of India.
316787

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2840 OF 1986

Ram Awadesh Singh ...Appellant.

Vs.

Tapeshwar Singh & Ors. ...Respondents.
ORDER

Taken on Board.

The Civil Appeal is permitted to be withdrawn on the ground that it has become infructuous.

Sd/- CJI
Sd/- J.
(KULDIP SINGH)

New Delhi.
May 9, 1991.

[No. 32/BR/3/85/86]
By Order,
BALWANT SINGH, Secy.

